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State/Territory: OREGON

Citation 4.13 Required Provider Agreement

With respect to agreements between the Medicaid agency and each provider furnishing services under the plan:

- 42 CFR 431.107 (a) For all providers, the requirements of 42 CFR 431.107 and 42 CFR Part 442, Subparts A and B (if applicable) are met.
- 42 CFR Part 483 (b) For providers of NF services, the requirements of 42 CFR Part 483, Subpart B, and section 1919 of the Act are also met.
- 1919 of the Act
- 42 CFR Part 483, Subpart D (c) For providers of ICF/MR services, the requirements of participation in 42 CFR Part 483, Subpart D are also met.
- 1920 of the Act (d) For each provider that is eligible under the plan to furnish ambulatory prenatal care to pregnant women during a presumptive eligibility period, all the requirements of section 1920(b)(2) and (c) are met.

☐ Not applicable. Ambulatory prenatal care is not provided to pregnant women during a presumptive eligibility period.

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1902(a)(58)

1902(w)

4.13

(e) For each provider receiving funds under the plan, all the requirements for advance directives of section 1902(w) are met:

- (1) Hospitals, nursing facilities, providers of home health care or personal care services, hospice programs, health maintenance organizations and health insuring organizations are required to do the following:
 - (a) Maintain written policies and procedures with respect to all adult individuals receiving medical care by or through the provider or organization about their rights under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives.
 - (b) Provide written information to all adult individuals on their policies concerning implementation of such rights;
 - (c) Document in the individual's medical records whether or not the individual has executed an advance directive;
 - (d) Not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive;
 - (e) Ensure compliance with requirements of State Law (whether

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statutory or recognized by the courts)
concerning advance directives unless
they are inconsistent with Federal law
then Federal law prevails; and

- (f) Provide (individually or with others)
for education for staff and the
community on issues concerning
advance directives.
- (2) Providers will furnish the written information
described in paragraph (1)(a) to all adult
individuals at the time specified below:
- (a) Hospitals at the time an individual is
admitted as an inpatient.
- (b) Nursing facilities when the individual
is admitted as a resident.
- (c) Providers of home health care or
personal care services before the
individual comes under the care of
the provider;
- (d) Hospice program at the time of
initial receipt of hospice care by the
individual from the program; and
- (e) Health maintenance organizations at
the time of enrollment of the
individual with the organization.
- (3) Attachment 4.34A describes law of the State
(whether statutory or as recognized by the
courts of the State) concerning advance
directives.

____ Not applicable. No State law
or court decision exist
regarding advance directives.

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